

REMARKS

In the Office Action, claims 14-25 were allowed, 1-3, 8, 9, 13, 26-28, 30-32, 37, 38, 41 and 43-45 were rejected, and claims 4-7, 10-12, 29, 33-36, 39, 40 and 42 were objected to. By the present response, claim 12 is amended to correct a minor typographical error. All of the pending claims are believed to be allowable over the prior art references cited by the Examiner. Reconsideration and allowance of all pending claims are respectfully requested in view of the arguments summarized below.

Incomplete Rejection of Dependent Claims

Before addressing the Examiner's position as formulated in the Action, Applicants point out that the Examiner failed to discuss *any* of the features recited in *any* of the dependent claims. Applicants could provide reasons for allowing each and every dependent claim, but deem it improper that they should do so here. Indeed, it is the Examiner's responsibility to set forth a *prima facie* case of unpatentability with respect to each and every claim. Applicants therefore submit that the current rejections are incomplete and improper on their face, and respectfully request that the Examiner set forth cogent bases for rejecting the claims in a manner that will permit the Applicants fairly to respond.

Rejections Under 35 U.S.C. § 102

In the Office Action, claims 1-3, 8, 9, 13, 26-28, 30-32, 37, 38, 41 and 43-45 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ridler et al., U.S. Patent No. 4,023,130 (hereinafter "Ridler"). A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). Applicants respectfully assert that the present invention, as recited in independent claims 1, 26 and 31 is patentable over the Ridler reference.

Independent claims 1, 26 and 31 recite, in generally similar language, *a movable permanent magnet body disposed within a portion of the opening in a fixed permanent magnet body and movable relative to the fixed permanent magnet body.*

Applicants respectfully assert that the Ridler reference fails to teach or disclose two permanent magnets movable with respect to each other. The Ridler reference discloses a magnetic assembly for operating a phonograph pick-up arm. The magnetic assembly consists of a fixed electromagnet and a movable permanent magnet attached to the phonograph pick-up arm. The fixed electromagnet and the movable permanent magnet move relative to each other depending on the flow of dc current in the electromagnet for operating the phonograph pick-up arm. (*see*, Ridler, column 2, lines 23-65; *see also*, FIG. 3 and FIG. 4). Applicants respectfully submit that a permanent magnet is a device that retains a magnetic field without need for a power source.

Further, the use of two magnets (the fixed electromagnet and the movable permanent magnet) in an arrangement as disclosed in Ridler is not same as the use of two permanent magnets in an arrangement described in the application or recited in the claims. The Ridler reference describes moving the two magnets based on the flow of dc current in the electromagnet. Applicants respectfully submit that the permanent magnets described in the present application clearly do not need any current to move with respect to each other. Additionally, Applicants respectfully submit that any technique or structure in which a movable permanent magnet body is movable relative to a fixed permanent magnet body is by its very nature clearly distinguished from arrangements of the type described by Ridler, in which no field interaction whatsoever occurs when the electromagnet is not energized. Hence the two magnets of the Ridler reference do not constitute the permanent magnet assembly as recited in the pending claims, and does not accomplish the same results of the permanent magnet assembly as described by the Applicants' invention.

At least because Ridler do not disclose or suggest two permanent magnets movable with respect to each other as claimed, the reference cannot support a *prima facie* case of anticipation of claims 1, 26 and 31. Claims 2-3, 8, 9, 13, 27-28, 30, 32, 37, 38, 41 and 43-45 depend directly or indirectly from claim 1, 26 and 31 respectively. Accordingly, the Applicants submit that claims 2-3, 8, 9, 13, 27-28, 30, 32, 37, 38, 41 and 43-45 are allowable by virtue of their dependency from an allowable base claim. Applicants also submit that the dependent claims are further allowable by virtue of the subject matter they separately recite. Thus, it is respectfully requested that the rejections of claims 1-3, 8, 9, 13, 26-28, 30-32, 37, 38, 41 and 43-45 under 35 U.S.C. §102(b) be withdrawn.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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PS
Patrick S. Yoder
Reg. No. 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545